

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

		X
		:
In re REFCO, INC. SECURITIES LITIGATION		07 MDL No. 1902 (JSR)
		:
		X
		X
		:
KENNETH M. KRYS, et al.		ECF CASE
		:
Plaintiffs,		08 Civ. 3086 (JSR)
-v-		:
CHRISTOPHER SUGRUE, et al.		:
		:
Defendants.		:
		X
		X
		:
KENNETH M. KRYS, et al.		:
		:
Plaintiffs,		10 Civ. 3594 (JSR)
		:
-v-		:
DEUTSCHE BANK SECURITIES INC., et al.		:
		:
Defendants.		:
		X

**DEFENDANTS' NOTICE OF MOTION FOR CERTIFICATION OF  
THE COURT'S ORDER DENYING DEFENDANTS' MOTION TO DISMISS  
PLAINTIFFS' REFCO FRAUD CLAIMS ON GROUNDS OF *IN PARI DELICTO***

PLEASE TAKE NOTICE that, upon the accompanying Memorandum of Law in Support of Defendants' Motion for Certification of the Court's Order Denying Defendants' Motion to Dismiss Plaintiffs' Refco Fraud Claims on Grounds of *In Pari Delicto*, defendants Credit Suisse

Securities (USA) LLC, Banc of America Securities LLC, JPMorgan Chase & Co., Grant Thornton LLP, Mark Ramler, Mayer Brown LLP, Edward S. Best, Joseph P. Collins, Paul Koury, PricewaterhouseCoopers LLP, Mari Ferris, Ingram Mico Inc., CIM Ventures Inc., Liberty Corner Capital Strategies, LLC, William T. Pigott, Deutsche Bank Securities Inc., Deutsche Bank Trust Company Americas and Deutsche Bank AG, by and through their undersigned counsel, will move before the Honorable Jed S. Rakoff, at the United States Courthouse, 500 Pearl Street, New York, New York 10007, for certification of the Court's September 12, 2011 Order<sup>1</sup> pursuant to 28 U.S.C. § 1292(b).

Pursuant to the Court's instruction, any opposing papers must be filed and served on or before October 19, 2011.

Dated: October 5, 2011  
New York, New York

Respectfully submitted,  
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<sup>1</sup> *Krys v. Sugrue*, No. 08 Civ. 3086 [Dkt. No. 588] and *Krys v. Deutsche Bank Securities Inc.*, No. 10 Civ. 3594 [Dkt. No. 88].

Dated: October 5, 2011  
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